

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Scott Joseph Franklin

Case Number: 0980 2:13CR00116-TOR-1

Address of Offender:

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: October 1, 2013

Original Offense: Mailing a Threatening Communication, 18 U.S.C. § 876(c)

Original Sentence: Prison - 1005 days;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: C. Andrew Colasurdo

Date Supervision Commenced: March 18, 2016

Defense Attorney: Federal Defenders Office

Date Supervision Expires: March 17, 2019

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On March 29, 2016, the undersigned officer received notification from Alcohol Drug Education Prevention and Treatment (ADEPT) that Mr. Franklin had reported to their office on March 28, 2016, and submitted a urinalysis sample that reflected as presumptive positive for both amphetamine and opiates. Mr. Franklin signed a drug use admission form in which he denied the illicit use of either substance.

On March 31, 2016, Mr. Franklin reported to U.S. Probation, and admitted to both snorting methamphetamine and to using one of his mother's prescription pain pills. Mr. Franklin indicated that he believed that the pill was an Oxycodone, but stated that he did not believe the medication would reflect on his test. Mr. Franklin also indicated that he was unaware that using another person's prescription medication was a violation.

Prob12C

Re: Franklin, Scott Joseph

April 6, 2016

Page 2

- 2 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On March 28, 2016, Mr. Franklin reported to U.S. Probation as previously directed. During the meeting, Mr. Franklin and the undersigned officer agreed that he would again report to U.S. Probation following his mental health appointment with Mr. Robert Shepard on March 29, 2016. Mr. Franklin failed to report on the day indicated. On March 30, 2016, the undersigned officer received a voice mail from Mr. Franklin in which he indicated that he was unable to report due to assisting a friend move. He indicated that he might be able to report on Friday (April 1, 2016).

On March 31, 2016, Mr. Franklin reported to U.S. Probation, and when confronted indicated that he had forgotten that he had been directed to report on Tuesday, March 29, 2016. Mr. Franklin indicated that he had reported today, because his mother and brother had both informed him that the undersigned officer had been attempting to locate him.

- 3 **Special Condition # 15:** You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

Supporting Evidence: On March 24, 2016, Mr. Franklin was notified by the undersigned officer of the date and time for his upcoming mental health appointment scheduled for March 29, 2016. Mr. Franklin committed to attend the appointment.

On March 29, 2016, the undersigned officer was contacted by Mr. Robert Shepard who indicated that Mr. Franklin had failed to attend his appointment as required or provide any notification to the provider regarding the possibility that he may miss the appointment. Mr. Shepard also indicated that he had previously confirmed the appointment with Mr. Franklin by phone the day prior (March 28, 2016).

Mr. Franklin reported to U.S. Probation on March 31, 2016, in which he admitted to forgetting to attend the appointment. He indicated that he understood the appointment to be scheduled for next Tuesday (April 5, 2016).

It should be noted that Mr. Franklin did attend his mental health assessment on April 5, 2016, after it was re-scheduled for him by the provider at the request of U.S. Probation.

- 4 **Special Condition # 19:** You shall reside in a residential reentry center (RRC) for a period of up to 180 days. You shall abide by the rules and requirements of the facility and shall participate in programs offered by the facility at the direction of the supervising officer.

Supporting Evidence: On March 23, 2016, in an effort to provide Mr. Franklin with both a correctional and controlling strategy due to continued violation behavior, and provide him with resources during his current state of homelessness, a request to modify conditions was submitted to the Court to allow Mr. Franklin access to the Spokane Residential Reentry

Prob12C

Re: Franklin, Scott Joseph**April 6, 2016****Page 3**

Center (RRC). On March 23, 2016, the Court graciously approved the modification as requested.

Upon receiving approval for Mr. Franklin's placement at the Spokane RRC effective April 5, 2016, Mr. Franklin was provided with numerous directives to report to the facility during in-office contacts. Mr. Franklin continued to voice his compliance with the directive and agreed to report as directed. On April 5, 2016, at approximately 4 p.m., the undersigned officer received notification from Spokane RRC staff indicating Mr. Franklin had not reported as directed, but that he had called at approximately 1 p.m. and notified staff that he would be reporting to the Spokane RRC tomorrow (4/6/2016). As of the writing of this report, Mr. Franklin has not attempted contact with the undersigned officer to explain the missed appointment. Mr. Franklin's bed with the facility has since been forfeited.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 6, 2016

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant For violations # 1 and 4 only.
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

April 7, 2016

Date